

### **REMARKS / ARGUMENTS**

Claims 69-72 and 74-76 are pending in this application. Claims 39, 41-32, 44-46, 48 and 62 have been canceled. Claim 69 is independent.

Claims 39, 41-2, 44-46, 48, 62, 69-72 and 74-76 were rejected as being anticipated by U.S. Patent No. 5,643,296 to Hundertmark and evidenced by U.S. Patent No. 5,429,136 to Milo et al.

Claim 47 was rejected as being obvious over Hundertmark in view of U.S. Patent No. 5,941,869 to Patterson.

Claims 39, 41-42, 44-46, 48, 62, 69-72 and 74-76 were provisionally rejected under the judicially created doctrine of obviousness type double patenting over claims 19-24 of copending application 10/421979, claims 1-15 of copending application 10/288581, claims 46-69 of copending application 10/288559 and claims 1-11 of copending application 10/288582. Applicant shall address this rejection upon allowance of a claim in this application or in one of the cited copending applications.

#### **Discussion**

Applicant respectfully submits that amended independent claim 69 is not anticipated by Hundertmark since Hundertmark does not disclose or suggest the step of “advancing the debulking catheter in a distal direction after the exposing step and during the rotating step, wherein the rotating cutter and the opening advance together so that material cut by the rotating cutter is directed through the opening and into the collection chamber distal to the rotating cutter as the catheter is advanced, the cutter and the window maintaining their orientation with respect to one another when advancing the catheter through the occlusive material.” Hundertmark clearly does not move the catheter during cutting and, as such, does not anticipated amended independent claim 69.

Hundertmark clearly intends to fix the position of the catheter during cutting since Hundertmark nowhere suggests that the catheter could be moved during cutting. Furthermore, Hundertmark clearly indicates that the length of the housing will depend primarily on the desired length of stenotic material to be removed which clearly indicates that Hundertmark contemplates the catheter to be at a fixed position during cutting.

Even if it were obvious to move the catheter of Hundertmark through a vessel during cutting, which Applicant submits it would not have been, the cutting element of Hundertmark does not maintain the same orientation with the window during cutting since the cutter of Hundertmark moves relative to the window during cutting rather than maintaining the same orientation as claimed.

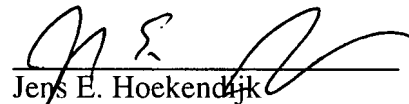
Dependent claims 70-72 and 74-76 are allowable since they depend from allowable independent claim 69 and because they recite independently patentable features.

### CONCLUSION

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-412-3322.

Respectfully submitted,

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Date

  
Jens E. Hoekendijk  
Reg. No. 37,149

Jens E. Hoekendijk  
P.O. Box 4787  
Burlingame, CA 94011-4787  
Tel.: 415-412-3322  
Fax: 650-871-7688